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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,150	12/22/2005	Jurgen Althammer	P/37-185	1801

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EXAMINER	
KEE, FANNIE C	

ART UNIT	PAPER NUMBER
3679	

MAIL DATE	DELIVERY MODE
11/12/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/553,150	ALTHAMMER, JURGEN	
	Examiner	Art Unit	
	Fannie Kee	3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 May 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3 and 5* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3 and 5* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *29 May 2009* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities: add a comma after the word "cleaning" in line 2.

Correction is required.

2. Claim 5 is objected to because of the following informalities: add a comma after the word "cleaning" in line 2.

Correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1, 3, and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the end face of the first flange" in 14. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites "wherein the coupling device is disposed in the cleaning disinfecting and drying plant so as to couple a receiving trolley and a washing chamber". It appears that

Applicant is trying to further limit the preamble, i.e., the plant, of claim 1 from which claim 5 depends, as opposed to further limiting the limitations of the coupling device of claim 1. Applicant is attempting to further define the components of the cleaning, disinfecting and drying plant, however, Applicant is not claiming the plant, rather Applicant is claiming a coupling device. Therefore, it is not clear why Applicant is further defining the plant. Examiner is interpreting that as long as the structural limitations of the coupling device are met, then the coupling device is capable of operating within the plant.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Seebeck U.S. Patent No. 863,001.

With regard to claim 1, and as seen in Figures 4 and 5, Seebeck discloses a coupling device for sealed coupling of a first pipe section (1) and a second pipe section (2) of a cleaning disinfecting and drying plant that are movable one relative to the other, the coupling device comprising:

a first flange (flange portion connected to 9) fastened to an end of the first pipe section;

a second flange (9) fastened to an end of the second pipe section so as to be mutually sealed with the first flange, the second flange including an end face facing the first flange, the end face having an annular groove (12), the second flange further including at least one duct leading to the annular groove and being operable to provide a compressed air and an underpressure to the annular groove; and

a sealing element (11) disposed within the annular groove, the sealing element being a sealing ring made of an elastic material, the sealing ring being operable to be pressed against the end face of the first flange when the compressed air is provided to the annular groove through the at least one duct, and the sealing ring being operable to be sucked into the annular groove when the underpressure is provided to the annular groove through the at least one duct.

With regard to claim 5, and as seen in Figures 4 and 5, Seebeck discloses the coupling device *capable of* being disposed in the cleaning disinfecting and drying plant so as to couple a receiving trolley and a washing chamber, the first pipe section and its first flange being fastened to the receiving trolley, and the second pipe section with its second flange being fastened to the washing chamber.

Claim Rejections - 35 USC § 102/35 USC § 103

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claim 5 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Seebeck.

With regard to claim 5, Seebeck discloses the coupling device *capable of* being disposed in the cleaning disinfecting and drying plant so as to couple a receiving trolley and a washing chamber, the first pipe section and its first flange being fastened to the receiving trolley, and the second pipe section with its second flange being fastened to the washing chamber.

In the event Applicant does not agree that Seebeck disclose the coupling device capable of being disposed in the cleaning disinfecting and drying plant so as to couple a receiving trolley and a washing chamber, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the coupling device capable of being disposed in the cleaning disinfecting and drying plant so as to couple a receiving trolley and a washing chamber because a recitation with respect to the manner in which an apparatus is intended to be employed does not impose any structural limitation upon the claimed apparatus which differentiates it from a prior art reference disclosing the structural limitations of the claim. In re Pearson, 494 F.2d 1399, 181 USPQ 641 (CCPA 1974); In re Yanush, 477 F.2d 958, 177 USPQ 705 (CCPA 1973); In re Finsterwalder, 436 F.2d 1028, 168 USPQ 530 (CCPA 1971); In re Casey, 370 F.2d 576, 152 USPQ 235 (CCPA 1967); In re Otto, 312 F.2d 937, 136 USPQ 458 (CCPA 1963); Ex parte Masham, 2 USPQ2d 1647 (BdPatApp & Inter 1987).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Seebeck.

With regard to claim 3, Seebeck does not disclose in Figure 5 that the sealing ring has a circular cross section. However, Seebeck does show in a different embodiment that the sealing ring can have a circular cross section as seen in Figure 7.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have to have formed the sealing ring to have a circular cross section because a change in the shape of a prior art device is a design consideration within the level of skill of one skilled in the art. In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966).

Response to Arguments

11. Applicant's arguments filed 5/29/09 have been fully considered but they are not persuasive.

a. Applicant argues that the gasket of Seebeck and the annular groove housing this gasket are neither provided with any means for the sealing ring to be sucked into the

annular groove nor is there is any means to introduce an underpressure at the bottom of the annular groove.

Applicant has not claimed either compressed air or an underpressure, rather, Applicant has claimed that the sealing element is operable to be pressed and operable to be sucked into the annular groove. The structural limitations of the claims have been met.

b. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., there isn't any means to introduce an underpressure at the bottom of the annular groove) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fannie Kee whose telephone number is (571) 272-1820. The examiner can normally be reached on 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aaron M Dunwoody/
Primary Examiner, Art Unit 3679

/F. K./
Examiner, Art Unit 3679
November 6, 2009